



Town of New Windsor

OFFICE OF THE PLANNING BOARD

WEDNESDAY — August 8, 2007 - 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. Windsor Enterprises Mobile Home Park

REGULAR ITEMS:

1. **RPA CONDOMINIUMS (01-65) UNION AVE & RT. 32 (SHAW)** Proposed residential multifamily units (adoption of SDEIS Scope).
2. **NORTH PLANK DEVELOPMENT CO. (07-21) TEMPLE HILL ROAD (SHAW)**
Proposed 12,000 s.f. Retail/Office/Warehouse (second building on previously approved site).
3. **WAL-MART OUT-LOT SUBDIVISION (07-08) RT. 300 (FISCHEL)**
Proposed 2-lot commercial subdivision.
4. **DR. LOUIS CAPPASITE PLAN (07-06) RT. 94 (COPPOLA)** Proposed addition to existing medical office.
5. **SANDCASTLE HOMES SUBDIVISION (05-23) RIVER ROAD (COPPOLA)**
Proposed 3-lot commercial subdivision.
6. **SANDCASTLE HOMES SITE PLAN (05-24) RIVER ROAD (COPPOLA)**
Proposed three office buildings on three separate lots.
7. **QUASSAICK BRIDGE FIRE DISTRICT SITE PLAN (07-22) WALSH AVENUE**
Proposed Firehouse

CORRESPONDENCE:

8. **RECOMMENDATION TO TOWN BOARD – Knox Village Annexation Property Zoning**

ADJOURNMENT

**(NEXT MEETING – SEPTEMBER 12, 2007)
(August 22, 2007 Meeting Cancelled)**

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TOWN OF NEW WINDSOR

PLANNING BOARD

AUGUST 8, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

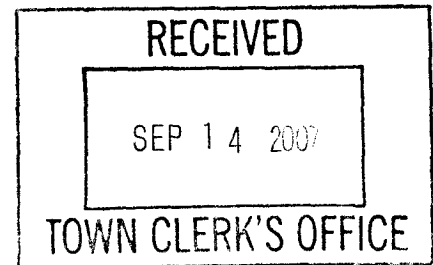
JENNIFER GALLAGHER
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call to order the August 8, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



ANNUAL_MOBILE_HOME_PARK_REVIEW:

WINDSOR_ENTERPRISES_MOBILE_HOME_PARK

MR. ARGENIO: Mobile home park reviews. Windsor Enterprises Mobile Home Park. Is somebody here in the audience to represent this?

MR. BABCOCK: Mr. Chairman, I got a call from the applicant late this afternoon, there was a problem, they are not going to be able to make it for the meeting but there's no issues with that mobile home park.

MR. ARGENIO: You're familiar with it and somebody from your office has been there?

MR. BABCOCK: Yes, we do have a check in the file so everything's in order as far as I'm concerned.

MR. ARGENIO: That's Jimmy's thing, isn't it?

MR. BABCOCK: Yes.

MR. VAN LEEUWEN: That's what I said, it's a shady outfit.

MR. ARGENIO: Somebody from your office has been there and everything's in order?

MR. BABCOCK: Yes.

MR. ARGENIO: I'll accept a motion we offer one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded for one

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year extension to Windsor Enterprises Mobile Home Park.
No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	ABSTAIN
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE

REGULAR_ITEMS:

RPA_CONDOMINIUMS_(01-65)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: RPA, I see Mr. Shaw in the audience, Patriot Bluff condo site plan. This application involves development of a 175 unit multi-family condo site plan on the westerly portion of the RPA property. Plan was previously reviewed at the 12 December, 2001, 22 May, 2002, 10 March 2004, 9 May, 2007, 27 June, 2007 planning board meetings. And as my predecessor used to say I've seen this so much I'm going to send it a Christmas card. Just so everybody's aware the purpose of this, of their appearance this evening is not for us to review the plans, it's for us to accept if we see fit the Draft Final, DEIS scoping document for Patriot Bluff. Also just for the edification of the other board members I have directed Dominic and I reminded him again today to do a little research on the differences between the condo folks owning the slab of land underneath their unit and for the, and the condo association owning the property and maintaining the property. So again we're not going to get into that tonight so hold your questions on that. I'd ask Dominic to do that research, I know Howard had some concerns as did Neil and there will be a meeting in the very near future where Dominic will share with us some information, not some information, he will thoroughly explain to us the differences so we have a thorough understanding of it. In the meantime, I'm going to touch on a few of Mark's comments, this document is written to a great extent in legalese and in engineering terminology. I made sure to get ahold of Myra and Mike to see to it that the members had the benefit of having a copy of this document prior to this meeting so we could have a vote on it. I assume Jennifer that that has been followed through and

everybody has received a copy of it?

MS. GALLAGHER: That's correct.

MR. ARGENIO: Just for the record, as we talked about early on Myra is infirmed and she's not here tonight and Jennifer Gallagher is covering for her. Mr. Shaw, I'm going to read a couple of Mark's comments then I'll give the other members an opportunity to ask any questions about this document that they need to be clarified. Section 1.0, the introduction, page 1, end of paragraph #2, revise the wording "which are beyond the scope of the project". Mark, can you elaborate on that comment?

MR. EDSALL: It's just that it's a wording issue, there are improvements that have been reviewed between the applicant and the town, some direct improvements associated with specific impacts of the project, other improvements that the applicant has volunteered to accomplish to trade off other impacts and I just wasn't comfortable with those words as they have in the scope.

MR. ARGENIO: So there's other impacts that the applicant is going to mitigate off-site and this wording will see to it that they're not precluded from doing those mitigation issues, is that correct?

MR. EDSALL: Well, I don't want to give the impression that the scope is asking the applicant to address or do work that the applicant has not either agreed is a direct impact from their project or haven't volunteered to do so--

MR. ARGENIO: Greg, do you have a problem with this?

MR. SHAW: Absolutely not. As Mark said in his initial remarks just terminology we're all into agreement as to what's going to happen, it's just a couple words got to get twisted.

MR. ARGENIO: Okay, Mr. Shaw, come up here so we can see and hear you better. You certainly project well but it's nice to see you. Number 2, Section 1.0 introduction, shouldn't this section make reference to the subdivided multi-family alternative fee simple lots or is it appropriate that this only be acknowledged later in alternatives? Greg, I would ask you that question, what's your response to that?

MR. SHAW: I really don't have A response to that, Mr. Chairman. For your information, I did not prepare the scoping document, that was the firm that had done the document previously Anthony Russo environmental compliance out of Middletown because I didn't prepare it, I don't have all the answers to it, so I think you're going to have to look more towards Mark.

MR. EDSALL: Mr. Chairman, Mr. Cordisco has straightened me out, I had written these and talked to him after I prepared the comments, he believes it's adequate to have it as an alternative that you're looking at tonight so strike the second bullet.

MR. CORDISCO: There's alternatives.

MR. ARGENIO: That talks about fee simple lots, very good. Section 3.0, Project Description, second paragraph, this section should also note that intent of Park Hill emergency connection is to provide secondary means of emergency access to Park Hill development which currently only has one means of access to the entire development. I think that's pretty cut and dry. Third paragraph page 2 should note that original SEQRA review for the Sky-Lom PUD Town Board was lead agency. Planning board on behalf of the Town of New Windsor has reopened SEQRA to provide impacts of the site and subdivision applications under current updated conditions and now based on the new site plan proposed. What does this mean, Mark?

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MR. EDSALL: Well, the way they prepared the scope it indicates that the planning board was lead agency on the original review.

MR. ARGENIO: Per the Sky-Lom PUD Town Board is lead agency.

MR. EDSALL: Yes, Dominic has advised me that it is acceptable for planning board to reopen SEQRA since you have an updated application but I just want the record clear the planning board wasn't lead agency before.

MR. ARGENIO: Again, I don't think--

MR. EDSALL: It's just a clean up.

MR. ARGENIO: Go ahead.

MR. CORDISCO: No, it's a procedural nicety, it's the fact that the planning board can reopen SEQRA in terms of what you're doing is requiring a supplemental.

MR. ARGENIO: It's a procedural nicety.

MR. EDSALL: Everything else in the scope was right on target.

MR. ARGENIO: Any questions on this document? Go ahead, Neil, do you have something?

MR. SCHLESINGER: The original EIS was prepared by?

MR. SHAW: The original Draft Environmental Impact Statement was prepared by Parish and Weiner around 1990, 1991.

MR. SCHLESINGER: We're going to be reviewing the DEIS?

MR. EDSALL: Supplemental.

MR. SHAW: No, what the board basically determined we had a public hearing maybe three years ago and it was at the adjacent building and what the board basically felt after that public hearing is that--

MR. ARGENIO: You ran the meeting, Neil, as I remember.

MR. SHAW: No, it was Mr. Lander.

MR. SCHLESINGER: Lander and I, I remember that, sure.

MR. SHAW: The bottom line the board walked out of the meeting saying a few things have changed since 1990, we'd like to go back and revise some issues and have them updated to current standards and that's the purpose of the supplemental.

MR. SCHLESINGER: Who does that?

MR. SHAW: We're going to do that on the town's behalf and you're going to be the lead agency and you're going to review it and you're going to have a findings statement at the end of it basically concurring with it or not concurring.

MR. SCHLESINGER: Assuming there will probably be another public hearing.

MR. CORDISCO: There will be a public hearing, it's required on the supplemental DEIS.

MR. SHAW: Yes, but only selected issues that this board felt was appropriate, not all the issues.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it

MR. ARGENIO: Anybody else? If not, I'll accept a

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motion we accept this subject to the changes that I read into the minutes, motion has been made and seconded that we accept the draft final DEIS scope and document of Patriot Bluff. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE

NORTH_PLANK_DEVELOPMENT_CO._ (07-21)

MR. ARGENIO: Next is North Plank Development and again this is Mr. Shaw. The application proposes construction of the 12,000 square foot building for retail office and warehouse use. The plan was reviewed on concept basis. For my fellow members, this is that piece of property adjacent to Orange County Ironworks over on Route 300 just down the road a bit I think they did start construction. What essentially they want to do from my understanding of this is they had approval to do two buildings, we had a public hearing based on two buildings, I think the commentary from the public we received was relatively limited subsequent and Greg if I misspeak correct me subsequent to that they cut it back to one building. Now apparently marketing forces and the like have compelled them to go back to the original two building scenario. So having said that, Greg, what do you have for us?

MR. SHAW: Again, just to give you a recap we originally came in to this board in 2004-2005 with a scheme having two buildings, a building in each location as shown on this plan. That drawing was referred out to the County. We had a public hearing on the drawings reflecting both buildings. And after the public hearing, the applicant decided just to move forward with one building. So we amended the site plan, we came in for one building, actually, the building got bumped up before we got final approval from 6,600 to 7,200 square feet that's approved, everything from this portion of the site towards the road is approved by this board. Also the storm water management facility is approved by this board and a storm water pollution prevention plan in place along--

MR. ARGENIO: Let me interrupt you for one second. The original plan with the two buildings during the review process did your applicant decide to not apply for the two buildings or did you receive final approval on the

two buildings and then elect not to do the second one?

MR. SHAW: Final approval on one and only one building, the balance behind it was just going to be grass.

MR. ARGENIO: Got it.

MR. SHAW: So what we have now is a second application very simply for the second building. Again, everything in this portion is approved as in the rear with the storm water management and what we'd like to do is have this board eventually approve 12,000 square foot building. Now I'd like to point out that it's slightly larger than what you had the public hearing on, the building that you had the public hearing on was 10,200 square feet and was going to be all office or retail. This building has now been increased 1,800 square feet.

MR. ARGENIO: From the original proposal?

MR. SHAW: Correct. Okay, to a total of 12,000 and the use is going to be a little different. The original pitch that we made to the board was going to be all office and retail, this is going to be flex space, could be retail, could be office but it's going to be warehouse also.

MR. ARGENIO: It will be in compliance with zoning?

MR. SHAW: Correct. All right, so with that, the parking demands were not as great, we were able to reduce the number of parking spaces and elongate the build a little bit. There's no more impervious area today than there was two years ago, we just eliminated some parking cause we don't need it all cause a portion of the building is going to be warehouse. So the application very simply is for a 12,000 square foot building with its associated parking for either office and retail and warehouse use and the projections that I have on the drawing out of the 12,000 square feet is

7,500 for office and retail and 4,500 square feet of the building will be for warehouse.

MR. ARGENIO: Says here that Mark's, Greg, the original SWPPP did consider the second building.

MR. SHAW: The original SWPPP did consider the second building and this one was designed for the total buildout of the site, this board accepted the SWPPP and reviewed it. With this new application for the second building we submitted a revised SWPPP, okay, which now reflects not just proposed impervious area but this actual drawing that's before you and that was submitted to this board along with this plan.

MR. ARGENIO: What necessitates that if you have less impervious area again?

MR. SHAW: Just to make the picture a little bit more clear with what happened we needed to get coverage with respect to the first building and to do that I completed a notice of intent and in filling out the notice of intent it forced me to bring this other building and this parking into the equation and in doing so now I have a SWPPP that doesn't match the notice of intent. So I thought it would be simpler to complete it, revise the SWPPP and now everything's consistent.

MR. ARGENIO: Do you have that, Mark?

MR. EDSALL: I just made a note to look for it, I don't remember seeing it.

MR. SHAW: Oh, it's there.

MR. EDSALL: I don't doubt Mr. Shaw.

MR. ARGENIO: I have bad news for you and you probably know this already because you're a fairly astute guy,

because of the increase in area, I think it is or square footage I think it's likely you have to go back to the County.

MR. SHAW: I would agree.

MR. ARGENIO: Oh, you would agree?

MR. SHAW: Yeah, I expect to go back to the County.

MR. ARGENIO: Am I right when I say that?

MR. CORDISCO: Yes, sir.

MR. SHAW: For the 1,800 square feet we're willing to wait the extra month to have it referred to the County and return in a month.

MR. ARGENIO: I've been doing all the talking. Any of the other members have any questions?

MR. SCHLESINGER: Do you have this laid out with the warehouse on the long side of the building?

MR. SHAW: It's this area here would have the overhead doors and would have the entrance in for the warehouse so where you have the bulk of the parking would be office/retail and the rear would be where your warehouse would be.

MR. SCHLESINGER: And you have enough room for tractor trailers?

MR. SHAW: They're not going to be tractor trailers, okay, they're going, it's going to be similar, maybe an electrical contractor who needs a little bit of an office and an area to store his supplies and material in.

MR. ARGENIO: Conduit and things of that nature.

MR. SCHLESINGER: So is that then a plumber or electrical contractor falls under warehouse?

MR. SHAW: Yes, they call it flex space.

MR. ARGENIO: I'll accept a motion that the town declare, Town of New Windsor declare itself lead agency under SEQRA review.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency under the SEQRA process.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to poll the board on the public hearing, let's try and--

MR. VAN LEEUWEN: It's mandatory.

MR. ARGENIO: Wait a second, I don't know that it is, no, it's, not mandatory and the comment I would make is that we had a public hearing and there were two buildings on the plan for the public hearing but this is a new game, they're adding another 1,200 square feet so I'm going to poll the room or poll the board and see how they feel about it. Neil, do you have any thoughts on that?

MR. SCHLESINGER: What do we have, Strober King on one side and Orange County steel?

MR. SHAW: Nobody was at the public hearing.

MR. ARGENIO: That's correct, I verified that.

MR. SCHLESINGER: I don't see any reason to have a public hearing.

MR. BROWN: I don't think so.

MR. GALLAGHER: We can waive it.

MR. VAN LEEUWEN: Fine with me.

MR. ARGENIO: Accept a motion we waive.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We have nothing yet from highway and nothing yet from fire.

MR. BABCOCK: Highway--

MR. EDSALL: You won't get highway.

MR. ARGENIO: I'm sorry, I'm sorry, give me a break here. We have nothing yet from fire. Greg, I'm going to make a comment though I do believe, I believe you could do better, I don't want to use the term I too much on the landscaping around the pond.

MR. VAN LEEUWEN: Little on the cheap side.

MR. ARGENIO: Little on the light side. I'm not telling you what to do. I understand it's in the back, I understand the Thruway and the railroad are in the back.

MR. SHAW: Well, to be perfectly honest I'd have to look at the plan, that pond and its landscaping were approved with the first building. This drawing does not reflect all of the improvements that go with the first building, these drawings were, reflect the improvements with the second building.

MR. ARGENIO: I'm looking at the landscaping plan and I see ten plantings.

MR. SHAW: To be honest I don't know whether that reflects all the plantings cause that's an improved site plan. If you want when I return back to you I can bring you a landscaping plan of what you have approved and if you want to embellish it we can.

MR. ARGENIO: I don't want to do that I want you to bring what we approved. I'd like you to if possible incorporate suggestions that I just made into that.

MR. SHAW: Okay, if it's only what's indicated on that plan, if it's only indicated on the plan that you're looking at.

MR. ARGENIO: If the original plan indicated the same amount of plantings that are shown here.

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MR. SHAW: It has to be bumped up.

MR. ARGENIO: Yes.

MR. SHAW: But if that really does not reflect the landscaping for that pond then we'll talk about it.

MR. ARGENIO: Correct.

MR. SHAW: That's absolutely fine.

MR. ARGENIO: We're going to see this again, he's got to go to Orange County Planning. Mark, is there anything else that we can work through procedurally? I really don't see anything here.

MR. EDSALL: No, I think you've gone as far as you can tonight.

MR. ARGENIO: Anybody else have any comments on it? Greg, I don't know what else I can do for you.

MR. SHAW: The board has the two major issues was lead agency referral to the County and the public hearing issue. With that, I'll be back in a month.

MR. ARGENIO: Thank you for coming in.

WAL-MART_OUT-LOT_SUBDIVISION_(07-08)

MR. ARGENIO: This application proposes minor subdivision to create a tax lot for the out-parcel on Route 300, rather than a lease parcel as shown on the overall Wal-Mart development plan. The plan was previously reviewed at the 14 March, 2007 planning board meeting. Sir, can I have your name and your firm for the stenographer?

MR. FARLO: Sure, it's Thomas Farlo (phonetic) with APD Engineering.

MR. ARGENIO: Tell us briefly what you're trying do, this seems to be quite a simple application and I certainly would like to hear in your own words.

MR. FARLO: I have to apologize in advance, I'm not the engineer that was spearheading this project, more of a fill-in today but I can give you a brief overview of the--

MR. ARGENIO: Point to the lot lines please that you are looking at?

MR. FARLO: The parcel we're talking about in question is approximately a one acre parcel, you've got Route 300 here, credit union over here, the existing Wal-Mart store over here and then the mini storage over here. Basically, the lot lines will follow my pen around and around and back over here. This is an existing driveway that's here, municipal line between the Town of New Windsor and Newburgh back in here, the Wal-Mart property, the parcel's currently zoned commercial, it's owned by Wal-Mart and my understanding the ZBA approved the variance.

MR. ARGENIO: Is that a fact Dominic or Mark?

MR. BABCOCK: Yes.

MR. VAN LEEUWEN: What are the plans for the land?

MR. FARLO: I don't know, I can find out, get back to you.

MR. VAN LEEUWEN: Please.

MR. ARGENIO: Basically you're unprepared, is that essentially what you're talking about here?

MR. FARLO: Well, I can talk a little bit about Wal-Mart if you need to talk about Wal-Mart, but I think it was previously looked at as a possibility of a gas station.

MR. ARGENIO: Yeah and you're correct, I did the construction there, my firm did the construction, we dead-ended sewer and water in there and yes, it was supposed to be a gas station. So what's happening here, Mark, is they want to do this subdivision, yes?

MR. EDSALL: Yes.

MR. ARGENIO: So they can have a--

MR. VAN LEEUWEN: Another gas station.

MR. ARGENIO: No.

MR. BABCOCK: To sell the lot.

MR. ARGENIO: They want to have it as an owned parcel and not a leased parcel so they can sell it.

MR. EDSALL: Correct, and the lot if approved by this board has no use with it other than the use that might have been approved in the past, if they want to do anything different they need to come back for a new site plan approval.

MR. ARGENIO: This is just a subdivision.

MR. EDSALL: Absolutely.

MR. ARGENIO: I want to read this because it should be in the minutes. The planning board engineers received and the attorney received a letter from the Town of Newburgh and we're, I'm advising you at this point that utility services for this lot which are not proposed now but if utility services are required for this lot they'll come from New Windsor, they will not come from the Town of Newburgh, you need to tell your applicant that or your owner that. Folks, does anybody have any thoughts on this? This is certainly pretty straightforward.

MR. VAN LEEUWEN: It's just a two lot subdivision is all it is.

MR. ARGENIO: It's really that simple. Is there anything more going on here?

MR. CORDISCO: It's a minor subdivision, no particular use is being approved as Mr. Edsall said.

MR. ARGENIO: Again, if a use is proposed at some point in time we'll have the opportunity for site plan review at this time.

MR. CORDISCO: Of course as a minor subdivision the application or excuse me the public hearing could be waived.

MR. ARGENIO: Can I have any thoughts from the members on the public hearing?

MR. VAN LEEUWEN: Excuse me a second, how many feet are you supposed to be from the Town of Newburgh line? Otherwise you have to go to the Town of Newburgh.

MR. EDSALL: It was served to the Town of Newburgh, second bullet on the back page 239 nn requires referral.

MR. VAN LEEUWEN: I have no questions.

MR. ARGENIO: I will accept a motion that we declare ourselves lead agency for this application.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor declare itself lead agency for the Wal-Mart subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Does anybody have any other thoughts on this? I don't think I'm missing anything here.

MR. SCHLESINGER: No, whatever they do with it now they have to come back.

MR. ARGENIO: It's clean and the public hearing, Neil, Howard, Danny?

MR. SCHLESINGER: None.

MR. ARGENIO: I'll consider that a motion to waive the public hearing.

MR. SCHLESINGER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for the Wal-Mart subdivision.

MR. EDSALL: Both preliminary and final.

MR. ARGENIO: Both preliminary and final public hearing. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the Wal-Mart minor subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Is it going too fast for you as my predecessor would say? You can go back and tell your boss what a great job you did. I don't see anything else here.

MR. EDSALL: Just something I want to have in the minutes so if anyone in their extreme boredom decides to read these minutes, there was a very extensive review made of the Wal-Mart site plan when the Wal-Mart site plan was reviewed by both Town of Newburgh and Town of New Windsor and there was extensive SEQRA review and site plan review made and the existence of this front pad at this time was a leased parcel and was included in that review, both the impact of having the pad and the impacts from the pad.

MR. ARGENIO: I don't remember what you call it, it was always going to be a development parcel.

MR. EDSALL: Let no one believe that that hasn't been looked at already, the only thing that's changed is the format.

MR. ARGENIO: I just said that.

MR. EDSALL: I want the record to be clear that there was a thorough SEQRA review made prior.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. CORDISCO: I just wanted to remind you that I did prepare a written resolution and so--

MR. ARGENIO: Got that right here, thank you. Motion has been made and seconded that the Town of New Windsor

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Planning Board grant final approval to the Wal-Mart subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE

DR._LOUIS_CAPPA_SITE_PLAN_(07-06)

Mr. Mario Salpepi appeared before the board for this proposal.

MR. ARGENIO: Application proposes merger of two adjoining lots followed by an addition to the existing office. The plan was previously reviewed at the 14 March, 2007 planning board meeting. What do you have for us, sir. Where is this, first of all?

MR. SALPEPI: Planned Parenthood is next door.

MR. ARGENIO: Can you please walk us through this?

MR. SALPEPI: Okay, this application was proposed back in March, we were referred to zoning for three required area variances.

MR. ARGENIO: What were they, three area variances?

MR. SALPEPI: Minimum lot area, they're in the bulk table up on the left there, rear yard setback and development coverage, all three variances were granted last month at the zoning board meeting. Bloom & Bloom is adjacent to Planned Parenthood. The site plan has not changed since the March meeting or the zoning board meeting, we're proposing 3,757 square foot addition to Dr. Cappa's existing building of 1,182 square feet. We meet all other required zoning such as parking.

MR. ARGENIO: Is there a detail for your refuse enclosure?

MR. SALPEPI: Yes, sir.

MR. ARGENIO: What page is it on?

MR. SALPEPI: Bottom middle of SP4.

MR. ARGENIO: Split face block? Doesn't say it.

MR. SALPEPI: Yeah, we note the finish to match the building color, it will be a colored block and a matching color. All the major items which we worked on her with Mr. Edsall was the drainage, there was some emission to the adjacent lots, we seemed to have resolved the drainage at this point. There's not very much else that we have changed since March.

MR. ARGENIO: Is there a swale?

MR. SALPEPI: Yes, the lot referred to as formally Sandcastle Homes, if you're on the utility plan their drainage all dumps out at the northwest corner of our lot, as part of their approval, they were required to install a swale all the way to the culvert on Route 94.

MR. ARGENIO: I see that.

MR. SALPEPI: They'll now improve that as we're showing on our plan.

MR. ARGENIO: What's pipe trench to be filled with lightweight concrete, is that So-Light (phonetic) or what are you filling that with?

MR. SALPEPI: K-Crete (phonetic), a type of brand name.

MR. ARGENIO: So it's not lightweight, it's K-Crete or controlled density fill, whatever.

MR. SALPEPI: I can rephrase that.

MR. ARGENIO: Has this been referred to Orange County Planning?

MR. EDSALL: Just recently.

MR. BABCOCK: It must have went there for zoning board.

MR. EDSALL: Well, I don't know if it was a joint referral or not so we sent it out as the planning board.

MR. VAN LEEUWEN: When was that sent out, do you know, Mark?

MR. BABCOCK: Do we have anything back, Jen, do you know? Do you know when it went?

MR. EDSALL: It just went I believe either end of last week beginning of this week so it's not--

MR. ARGENIO: Where is the pump station?

MR. SALPEPI: The sewage from the property will be going up the back easement towards Bloom & Bloom, there's 25 foot easement at rear of the property with new sewer system at the adjacent lot which we'll be connecting into.

MR. ARGENIO: Does Agido review that or do you?

MR. EDSALL: We'll both look at it. The explanation is that when the Sandcastle Homes subdivision was approved and that was a very old subdivision the sewer line ran out to 94 and that last run of pipe served no benefit. The developer agreed to turn it 90 degrees and create an easement along the back of Bloom & Bloom, Planned Parenthood and Dr. Cappa because well those three buildings were the only ones in the area that didn't have sewer service so we killed two birds with one stone.

MR. VAN LEEUWEN: You know who built it, don't you?

MR. ARGENIO: Your father-in-law?

MR. VAN LEEUWEN: No, no, no.

MR. EDSALL: So needless to say we have now provided them an out and they're taking full advantage of it.

MR. ARGENIO: Do you have a copy of Mark's comments?

MR. SALPEPI: Yes, sir.

MR. ARGENIO: I'm not going to read all of his bullets on 7 but you have some things to do. Neil and Howard and Danny and Hank, what do you see here? Do you guys have any?

MR. SCHLESINGER: The existing one story frame is that the existing office?

MR. SALPEPI: Yes.

MR. SCHLESINGER: Then you're adding on and it's going to be one office?

MR. SALPEPI: It won't be one office, it will be different tenancies.

MR. SCHLESINGER: One occupied by Cappa and one by somebody else. Why are you removing the ramps there? If I remember visually that's a handicapped ramp accessibility, why are you removing it?

MR. SALPEPI: Existing ramp would interfere with our improvements, we're proposing a brand new ramp to replace it because that existing floor is much higher than our parking lot.

MR. SCHLESINGER: Because that's got to conform to the handicapped.

MR. SALPEPI: Exactly.

MR. SCHLESINGER: Only two handicapped spaces, I guess

if there's going to be the two medical offices.

MR. BABCOCK: That's what's required.

MR. EDSALL: It's two spaces.

MR. ARGENIO: Mark, what about the DOT on the highway?

MR. EDSALL: I think it's an optional referral because the curb cut exists already, the only reason you would consider sending it is that there's an increased use on the property but that's optional, it's an existing curb cut, they're not changing the use, its office to office, just more of it. There's no permit required from DOT.

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare lead agency for the Dr. Cappa site plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I believe that one of the issues we should discuss as a board is the need or lack of need for a public hearing. There is a bit going on here, there's a bit of presence in the back of the site with the homes, there's quite a few homes back there and

while they went to zoning they had a public hearing at zoning.

MR. BABCOCK: Yes, they did.

MR. ARGENIO: Let me just give you a thought on this and again I open it up to the members and I don't want, this will be the third time I've quoted my predecessor tonight and I'm going to say that if it doesn't cost the applicant any time, I don't think it's a bad thing and because he's yet to go to Planning, County Planning, I don't think it's going to cost him any time. You have Mr. Aronson to the south who certainly has his own ideas as to how things should be done but again we're a board and we'll vote on it and I'll go around the room and ask Neil first how he feels about it.

MR. SCHLESINGER: Didn't convince me either way up, I'm up in the air.

MR. VAN LEEUWEN: Lot of houses around there folks.

MR. ARGENIO: My only thought it doesn't hurt, it's \$32 worth of envelopes is what it is, that's my thought on it, I mean--

MR. SCHLESINGER: Doesn't set him back any time.

MR. ARGENIO: No, not as far as I can see.

MR. SCHLESINGER: Nothing lost nothing gained. Have a public hearing.

MR. BROWN: I feel we should have one.

MR. GALLAGHER: I would have one because of the addition.

MR. VAN LEEUWEN: Yes.

MR. ARGENIO: Let's schedule a public hearing. Mark, go ahead.

MR. EDSALL: Just a suggestion possibly Mario can meet with the owner of the project and maybe have some type of information for the board on the finishes for the rear of the building because there's very little room for landscaping and effectively the mass of the building which fits on the site well is going to be something for the neighbors to look at.

MR. ARGENIO: It cannot be masked.

MR. EDSALL: So it's got to be finished in an appropriate form. The houses behind this site don't exist yet, it's a new subdivision but in fairness to the people who are going to buy houses there it should look nice, fit in with the neighborhood.

MR. ARGENIO: Mark, let me use that as a segway into your comment 8 which I'm an advocate of this comment, the planning board should determine if a maintenance bond will be required for this site plan to guarantee the proper condition and livelihood of the landscaping and other key site improvement of the site plan. This is in addition to their improvement bond?

MR. EDSALL: Yes, it's something that has been the mechanism was updated as part of the new zoning law changes so I'm going to be sticking that comment in front of the board for site plans so that you can decide how you want to handle it.

MR. ARGENIO: I think this is a good idea. What do you guys think?

MR. SCHLESINGER: I agree.

MR. GALLAGHER: Yes.

MR. VAN LEEUWEN: I'm okay with it.

MR. ARGENIO: What else are you looking for from us tonight? We have really gone as far as we can go.

MR. SALPEPI: Yes.

MR. CORDISCO: Mr. Chairman, since you're authorizing public hearing, procedural nicety would be to actually do it by a motion.

MR. ARGENIO: I'll accept a motion we schedule a public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we schedule a public hearing for the Cappa site plan.
Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I think that's it, that's about as far as you can go. I would warn you, sir, please do heed Mark's comments number 7 there's a few bullets there, I mean, it's not one or two, it's a few and, you know, take care of it, it's important that you take care of them before you come see us again.

MR. SALPEPI: I've been through it, not a problem.

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MR. ARGENIO: Great.

SANDCASTLE_HOMES_SUBDIVISION_(05-23)

Mr. Mario Salpepi and Mr. Nick Cardaropli appeared before the board for this proposal.

MR. ARGENIO: This application proposes the subdivision of the 3.23 acre parcel into three commercial lots. The plan was previously reviewed at the 27 July, 2005 and 28 March, 2007 planning board meetings. Now I'm going to read a quick excerpt. Next application which is the site plan for these lots that was reviewed 27 July, 2005, 25 October, 2006, 28 March, 2007 planning board meetings and I swear for the life of me that we saw it at least one or two more times than that because this has been around and around and around but the planning board engineer insists that I'm mistaken which certainly is possible. And I would remind the board members that the first application is for the subdivision and as all you folks remember we have looked at quite a few iterations of this, this is the one to remind everybody where there was a problem with the access on Route 9W, do you remember, Neil, you brought up the good point that and I don't remember the exact nuances but they couldn't get out and go in one direction and make a certain turn so we're going to review the subdivision first and the meat of this application is with the site plan. Having said that, Mr. Cardaropoli?

MR. CARDAROPOLI: Nick Cardaropoli, C-A-R-D-A-R-O-P-L-I. We got it approved for one big building and we had access from River Road.

MR. ARGENIO: You didn't get approval for one big building. Is that a fact? Mark, do they have final approval?

MR. SALPEPI: Yes, there was a previous application.

MR. EDSALL: That is probably why you remember this so

much, I didn't know that it ever got stamped approved.

MR. CARDAROPOLI: Yeah, it got stamped.

MR. ARGENIO: Do you have it with you?

MR. SALPEPI: No.

MR. CARDAROPOLI: I don't know who has it.

MR. ARGENIO: That's not incredibly germane but go ahead.

MR. CARDAROPOLI: As you know, several other things went and we decided that to make three separate buildings. The reason why it was a little difficult at the time to rent one big building to lease it so the biggest problem was the DEC, first they liked it okay for River Road then they changed it then you were presented with a plan that we really didn't like, you didn't like and it wouldn't have been right to build so now we met with the DEC--

MR. EDSALL: DOT.

MR. CARDAROPOLI: I'm sorry, the DOT and I think we have everything resolved.

MR. ARGENIO: You eliminated the access on 9W and that takes care of DOT.

MR. CARDAROPOLI: Well--

MR. ARGENIO: With the exception of drainage.

MR. CARDAROPOLI: We eliminated the access on River Road, the other road is old--

MR. ARGENIO: Isn't 9W the same as River Road?

MR. CARDAROPOLI: I think you're right there.

MR. ARGENIO: I've been in the town for a few years.

MR. CARDAROPOLI: You're right.

MR. VAN LEEUWEN: I wasn't here when the other plan was approved but there's no ingress or egress out on River Road.

MR. CARDAROPOLI: So it's been changed around several times and we're ready to get going now so--

MR. ARGENIO: Do you have tenants?

MR. CARDAROPOLI: We do not have tenants yet, we have people interested, we met with somebody yesterday that seemed to be interested but we've got to get final approval then we'll, we like to put up the buildings first then rent them out.

MR. ARGENIO: Orange County Planning has responded with local determination.

MS. GALLAGHER: She doesn't have anything.

MR. ARGENIO: Planning board assumed lead agency on 7/27/05, engineer reviewed the SWPPP already, do we need to vote on a negative dec for a subdivision?

MR. CORDISCO: Yes.

MR. ARGENIO: I'll accept a motion to that effect.

MR. SCHLESINGER: So moved.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: I'll accept a motion that the Town of New Windsor Planning Board declare negative dec on the

subdivision for the Cardaropoli subdivision.

MR. VAN LEEUWEN: Central Valley Real Estate.

MR. ARGENIO: Sandcastle Homes, et cetera. Roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. BROWN AYE

MR. GALLAGHER AYE

MR. VAN LEEUWEN AYE

MR. ARGENIO AYE

MR. ARGENIO: You're authorized to prepare the negative dec, Dominic.

MR. CORDISCO: I'm one step ahead of you this night, I already prepared it.

MR. ARGENIO: Does anybody have any questions on this? This is pretty clean here.

MR. VAN LEEUWEN: It's out to the County, right?

MR. CORDISCO: Already came back as a local determination.

MR. ARGENIO: Let me ask one question please, Mr. Cardaropoli, these three lots access to lot 1 will be on Union Avenue, access to lot 3 will be where?

MR. CARDAROPOLI: Union Avenue.

MR. ARGENIO: Access to lot 2 will be where?

MR. CARDAROPOLI: Union Avenue.

MR. ARGENIO: This doesn't border Union Avenue?

MR. SALPEPI: Excuse me, old Route 9W here, we'll get to the site plan in a moment.

MR. ARGENIO: Wait a second.

MR. SALPEPI: They're all old Route 9W.

MR. ARGENIO: Mark, what I have a problem with is we're creating a three lot subdivision with one of the lots is going over to Route 9W.

MR. EDSALL: Route 9W.

MR. ARGENIO: Isn't that what you just said?

MR. EDSALL: Old Route 9W.

MR. ARGENIO: Which is a town road, okay, so lot 2 is old Route 9W, lot 1 is?

MR. EDSALL: Old Route 9W.

MR. ARGENIO: And lot 3 is?

MR. SALPEPI: Same, Old Route 9W.

MR. EDSALL: Goes over lot 2 shared access.

MR. ARGENIO: Understood. My point is you have nothing down here on the state highway.

MR. CARDAROPOLI: Nothing.

MR. ARGENIO: That's my point, I don't want to create something that puts access down there and that certainly would be a problem. Do I have an old plan?

MR. SALPEPI: Are you looking at the site plan or subdivision plan? 9W is actually not part of the site, it goes along here.

MR. ARGENIO: Show me where the state road is.

MR. SALPEPI: River Road is a state road, it's also a DOT state road.

MR. ARGENIO: Mark, what are we doing here? I don't understand what we're doing here. I understand the subdivision but I thought didn't you just say you have no access onto the state road?

MR. SALPEPI: We don't, all of our access is off of Old 9W.

MR. ARGENIO: What's this here then?

MR. SALPEPI: This is an old plan.

MR. ARGENIO: So I don't have a new plan. Why don't I have a new plan?

MR. EDSALL: Somebody gave you the wrong one.

MR. CORDISCO: On this issue there will be easements required and recorded so that all of the lots have access to Old Route 9W.

MR. BABCOCK: That's my fault, Mr. Chairman, but Mr. Chairman I have a plan for him right here, he can have mine.

MR. ARGENIO: Neil, my concern was that the access was not going to be on River Road, that's the key to the package to get away from the state DOT. The plan that Mr. Van Leeuwen and I were looking at up here clearly shows an access onto River Road.

MR. SCHLESINGER: Me too.

MR. ARGENIO: That's why I'm confused. I'm voting on a

subdivision or reviewing a subdivision that shows access to Route 9W but as, or River Road, but as we said Myra has been sick, so let's try and swing with the punches here a little bit and get squared away. The latest revision on the plan should be 7/6 of '07, do you have that?

MR. SCHLESINGER: Got it.

MR. ARGENIO: Is that correct?

MR. SALPEPI: Yes.

MR. ARGENIO: Mark, is that correct?

MR. EDSALL: That's the one.

MR. CORDISCO: Just so that we're clear what you're looking at and it has 7/6/07 is the site plan.

MR. ARGENIO: I understand that.

MR. CORDISCO: Then I think page 5 or page 6 is the actual subdivision.

MR. ARGENIO: I'm fine with that, Dominic, I have no problem with the subdivision, the subdivision is fine, we're going to vote on it in a minute, I hope the members agree with me, but I can't look at a subdivision that shows entrance to River Road. What's the matter, Mark?

MR. EDSALL: Nothing, I'm agreeing with you.

MR. ARGENIO: Anybody else have anything about the subdivision? I'm done with my rant.

MR. SCHLESINGER: Will you be, were you addressing the subdivision?

MR. ARGENIO: Subdivision. Did we do SEQRA yet?

MR. CORDISCO: You just did.

MR. ARGENIO: Anything else on the subdivision?
Somebody feels fit I'll accept a motion we waive the
final public hearing on this subdivision.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we
waive the public hearing.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anybody have anything else on the
subdivision? Mark, am I missing anything?

MR. EDSALL: No, it's in good shape. The big issue
that we'll deal with after you approve it is to make
sure because of the multiple easements, there's sewer
easements, there's water easements, there's drainage
easements, there's access easements, Dom and I need to
make sure that the proper document gets filed to
reflect all those easements so that just is a condition
we'll deal with that after the fact.

MR. CARDAROPOLI: That's no problem.

MR. ARGENIO: Accept a motion for final of the
subdivision plan for the Sandcastle subdivision subject
to Mark and Dominic reviewing and accepting those

easement documents.

MR. CORDISCO: And I prepared a resolution.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Sandcastle Homes subdivision on Route 9W. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

SANDCASTLE_HOMES_SITE_PLAN_(05-24)

Mr. Mario Salpepi appeared before the board for this proposal.

MR. ARGENIO: We covered some things here already on site plan, next item is the Sandcastle Homes site plan on River Road. Application proposes development of three commercial lots of the Sandcastle subdivision, again, I'll read this into the minutes. The plan was previously reviewed at the 25 July, 2005, 25 October, 2006, 28 March, 2007 planning board meetings. And as I said earlier, I think it's more than that but Mark says no, so we're here to talk about this. Sir, could you please share with us some of the challenges of what you dealt with? Again, I want to reiterate in the quickest fashion that I can there are no entrances or exits on River Road which is a state highway, the entrances and exits are on the town road. Jen, what do you have from the town, Anthony Fayo specifically?

MS. GALLAGHER: That it was approved 10/20/2007.

MR. ARGENIO: What do you have from fire?

MS. GALLAGHER: Approved 10/13/2006.

MR. SALPEPI: At that last meeting in March the major issue was the DOT would not allow left turns in or out so--

MR. ARGENIO: Let's get passed that, I don't want to hear about that again.

MR. SALPEPI: So the major revision has been a shared entrance on Old Route 9W which accesses lots 2 and 3.

MR. ARGENIO: Mark, is this one of the easements you're referring to?

MR. EDSALL: Yes.

MR. SALPEPI: The buildings, the parking, the storm drainage, the retention, everything has remained basically the same.

MR. ARGENIO: Does your water go towards River Road? I assume the river is near River Road so your drainage goes that way, yes?

MR. SALPEPI: Yes, there's an existing culvert.

MR. ARGENIO: Any DOT issue?

MR. EDSALL: That was referred to them, they have on site both water quality treatment and detention, they have tied in with state culvert, the information was forwarded, we have heard no objection from DOT, their only objection was the turning movements so I am, again, keep in mind we reviewed the SWPPP in detail and after receive revisions we think it's in good shape now.

MR. VAN LEEUWEN: I've got a question. Where is the flag poles?

MR. ARGENIO: Good question.

MR. VAN LEEUWEN: They left the area.

MR. SALPEPI: Let's see, we detailed the flag pole, did we show it on the site plan?

MR. VAN LEEUWEN: It doesn't show it, just put three of them in.

MR. SALPEPI: Definitely got me here.

MR. VAN LEEUWEN: Thirty feet high.

MR. SALPEPI: One per building?

MR. VAN LEEUWEN: One per building.

MR. CARDAROPOLI: Can I fly the Italian flag?

MR. VAN LEEUWEN: No, go over to Italy and fly that.

MR. SALPEPI: To reiterate, no other changes have been made besides that entrance since our last meeting. Two buildings of approximately just under 5,000 square feet, one is under 4,000, all required parking.

MR. ARGENIO: Sir, you show flag poles.

MR. SALPEPI: I'm trying to find them.

MR. ARGENIO: It's listed as "A".

MR. SALPEPI: That might be a light fixture.

MR. ARGENIO: I'm sorry.

MR. EDSALL: I'll make sure they're on there, I made a note.

MR. VAN LEEUWEN: Has this gone out to the County?

MR. ARGENIO: Orange County Planning has responded and they have local determination, a public hearing was held on 10/25/06, it was opened and it was closed and I don't recall a lot of hoopla at the public hearing. We did assume lead agency. SWPPP submittals and several resubmittals with modifications and updates have been received by MH&E, they have accepted the SWPPP. If anybody sees fit, I'll accept a motion that we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec on the Sandcastle Homes site plan and subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I do have one thing, sir, and this is kind of a pet peeve with me, I see your retaining wall on the, what would be the south end of the site and I see that relatively close to the DOT right-of-way.

MR. EDSALL: Town right-of-way.

MR. SALPEPI: Old Route 9W.

MR. ARGENIO: Without me thumbing through the plans, what type of wall are you proposing?

MR. SALPEPI: It is segmental block in our detailing.

MR. ARGENIO: Well, you're not going to do that.

MR. SALPEPI: Mr. Edsall made a comment, poured concrete wall.

MR. ARGENIO: Why did you say that?

MR. EDSALL: Just the proximity to the town highway or town road, the potential for heavy loads with vehicles, I also need to, although I think Anthony just missed our discussion we talked about a guide rail up there so

just final detail, it's more the longevity is greater and structurally it's a lot greater.

MR. ARGENIO: In retrospect knowing what I know now I would never vote in favor of those walls that are constructed up at Shop Rite in Vails Gate and I built them but I would never vote for them again, their reinforcing zone goes back into the town right-of-way, if they ever fall down which is a possibility, I built them, but if they ever did fall down for some other unknown reason it's a catastrophic collapse of the road. I don't want you to think I'm picking on you, you should put up a poured concrete wall, it would be great if you can put some facing on it, that would be great if you can and I want a P.E. stamped design delivered to the building inspector's office on that wall. Mark, you said a guardrail as well, how high is the wall?

MR. EDSALL: I think the wall is only five feet.

MR. SALPEPI: Three to four feet.

MR. ARGENIO: I see you have a fence on it.

MR. SALPEPI: Yes.

MR. ARGENIO: Split rail I would assume?

MR. SALPEPI: Yes.

MR. ARGENIO: Some chain link?

MR. SALPEPI: We have split rail and there will be a guardrail along the side.

MR. ARGENIO: What about the chain link, I want to talk about split rail with chain link on it.

MR. EDSALL: That's what's shown on the plans.

MR. ARGENIO: You guys are so smart.

MR. EDSALL: We'll make sure the other corrections are made.

MR. SALPEPI: There's a grading plan SP 6.

MR. ARGENIO: Mark, Neil had something.

MR. SCHLESINGER: Water purification?

MR. EDSALL: There are storm water basins for water quality treatment, those are in the plan and that's part of the SWPPP. There's two basins, one that serves the upper lot which is lot 1 and then there's one basin lower left-hand corner of the lanes that serve the two lower lots, again, that's another reason for the maintenance agreement cause that one basin is shared between those two lots.

MR. ARGENIO: That maintenance comment shows up on this too so make sure you guys have that covered.

MR. EDSALL: That's all been reviewed, Mr. Schlesinger, and it's fine.

MR. SCHLESINGER: Okay.

MR. ARGENIO: Planning board should determine if a maintenance bond will be required to guarantee the proper addition of the landscaping and other key site improvements. I don't think I have to ask these guys that, the answer is yes to that. Is that right, Howard, Neil?

MR. BROWN: Yes.

MR. SCHLESINGER: Yes.

MR. VAN LEEUWEN: Absolutely.

MR. ARGENIO: Yes, the same as the previous application, we shouldn't do one for one and do something different for another. Mark's comment bullet number 3 under 2, I don't know why you would comment on the dog house. Mark, that's Department of Health it's going to be?

MR. EDSALL: The sewer connection, it's the type of manhole I want to have them put dog house manhole rather than I think they show you a rectangular.

MR. ARGENIO: Storm water?

MR. EDSALL: Sanitary sewer.

MR. ARGENIO: Doesn't Department of Health inspect that?

MR. EDSALL: No, it's not an extension of the sewer therefore the town will review it.

MR. ARGENIO: What's the drop on the dog house?

MR. EDSALL: It's not a drop case over the existing line.

MR. ARGENIO: I'm sorry, correct.

MR. EDSALL: I just want to have that detail shown.

MR. ARGENIO: Can you put that on there please?

MR. SALPEPI: Yes.

MR. ARGENIO: Concrete slab on the bottom, set a structure with no bottom, two dog house holes in the end. What else guys? Somebody chime in.

MR. VAN LEEUWEN: Highway's done? Make a motion to give final approval.

MR. SCHLESINGER: You have that design has a bank?

MR. CARDAROPOLI: Yeah.

MR. SCHLESINGER: Little rough in and out.

MR. CARDAROPOLI: Yeah, we calculated it all out, it just fits, I mean, we dressed up across the street, got rid of the shacks, we don't want to look at that hole anymore than you do.

MR. ARGENIO: Dumpster enclosure, what are they made out of?

MR. SALPEPI: Concrete block.

MR. ARGENIO: Split face block?

MR. SALPEPI: Yeah, colored block.

MR. VAN LEEUWEN: I made a motion to approve.

MR. ARGENIO: Neil had another question.

MR. SCHLESINGER: No, that's fine.

MR. VAN LEEUWEN: I make a motion we give final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer Sandcastle Homes site plan final approval subject to these bullets that we spoke of in the last few minutes, the maintenance bond, the maintenance instrument for the easement, cross easements and whatever else we see fit.

How's that grab you?

MR. CARDAROPOLI: Not too good but--

MR. ARGENIO: Subject to, Mr. Cardaropoli, subject to Mark's comments. No heavy lifting here.

MR. CARDAROPOLI: No, I know Mark's worked very hard on this site plan.

MR. ARGENIO: As you have, sir, and I mean that in the most sincere sense, this thing has been round and round and round, it's a difficult site. I'd like to see those rateables on the books, I really would and I wish you the best of luck with your endeavor here. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEWUEN	AYE
MR. ARGENIO	AYE

QUASSAICK_BRIDGE_FIRE_DISTRICT_SITE_PLAN_(07-22)

Mr. Charles Passarotti and Mr. Jack Babcock appeared before the board for this proposal.

MR. ARGENIO: Gentlemen, can you please give your name to the Franny and who you represent and then we'd like to hear from you.

MR. PASSAROTTI: My name is Charles Passarotti, I'm with Collins & Scoville Architects.

MR. J. BABCOCK: I'm Jack Babcock, Chairman of the Board of Fire Commissions of the Quassaick Board, I'm here representing the Board of Fire Commissioners in this project and we're here to answer any questions that the board may have about our project.

MR. ARGENIO: Before you speak, sir, I just want to for the edification of the members this firehouse expansion addition demo with the new firehouse has a different set of rules applied to it and standards applied to it than the planning board is used to. Certainly all the members here have become fairly adept at the things we need to look for and I'm hoping that Mark and Dominic can guide us through some of the things we do need to focus on with a firehouse and with some of the things that the firehouse is exempt from because this is a public service that they offer everybody so that they get a little bit more leniency per the State Code than a developer like Mr. Cardaropoli or somebody else. Having said that, go ahead, sir.

MR. PASSAROTTI: We have just completed a feasibility study and in the course of the feasibility study we had studied renovations of the existing building in order to avoid demolishing and upgrades the cost became astronomical. In that time preceding that, in that time the district purchased or acquired these two adjacent properties, both are residential properties,

the plan that we developed as part of the feasibility study would be to remove the existing framed dwellings, construct a new fire station and then remove and demolish the existing fire station.

MR. VAN LEEUWEN: How many dwellings are going to, two dwellings are a garage is that what's going to be demolished?

MR. PASSAROTTI: Correct, there's some other minor sheds.

MR. ARGENIO: Mark, are these subject to zoning setback requirements and things of that nature?

MR. EDSALL: I'm going to defer to Dom and I think it might be under further review because we had a very lengthy discussion Dom and I today, kind of as an introduction I'll let the board know this is not the first time you've dealt with this balancing of the public interest test that the court of appeals established. I will remind you that the City of Newburgh came before you for their water plant buildings years ago and you had, that was right after the Court of Appeals made their decision so the process as far as the test is very well outlined from the court but I'm going to leave Dom to say whether or not that trumps in its entirety the local zoning law.

MR. ARGENIO: Dominic, before you go into that, I just want to read one thing out of Mark's comments. The fire district previously communicated with the town planning board concerning their desire to assume the position of lead agency of the SEQRA, following such circulation the fire district did in fact assume lead agency. The board may wish to ask the applicant the status of such environmental review. Further, the applicant could discuss what happened at the public input meeting in referendum that's taken place regarding the project, that paragraph, can you share

that with us?

MR. PASSAROTTI: Well, we did an environmental impact, I can't quote exactly because I don't have it with me but it is available as far as the public comment goes. There was no public comment specific to the building or the site, their concerns were primarily financial and such things as if we don't vote for this or doesn't get approved will we then lose our fire department because the existing building is not adequate.

MR. ARGENIO: They wanted to know how it was going to affect their taxes.

MR. PASSAROTTI: Correct, that was the only line of concerns that they had, there was nothing.

MR. ARGENIO: Dom, go ahead, I asked the question about zoning.

MR. CORDISCO: Yeah, just quickly before the Court of Appeals got involved the law used to be assume that governmental entities were immune from zoning, in other words, zoning didn't apply, you know, from one governmental entity to another. But the Court of Appeals said no, it's not as clear as that, we're going to make it less clear and we're going to give you an eight prong test for you to apply and it's a balance of interest test that requires you to evaluate whether or not it should be subject to zoning and that's the test that's laid out for you here in Mark's comments and it's really, well, you know, it's not a very easy test to administer and the cases--

MR. VAN LEEUWEN: Cause lawyers put it together, that's why, there's one sitting right over there, another bad one.

MR. CORDISCO: As I said, the law used to be clear in a sense well if it was one government to another

government it was just immune but now you accept this test and then there's cases that have flowed from this test that have gone up through the courts and where the courts have come out on either end, some have said and in particular in regards to fire districts who are building new firehouses some courts have said it's subject to zoning because the municipality said yes, you're subject to zoning and other courts have said no, it's not subject to zoning.

MR. ARGENIO: I can't imagine in my wildest fantasy that it's not subject to some level of scrutiny in the zoning venue.

MR. CORDISCO: Well, here's the thing, all the cases turn on is whether or not you as a planning board take a reasoned collaboration in deciding whether or not it's subject to zoning, it's almost like the SEQRA hard look, did you look at things and did you evaluate them and make a decision.

MR. ARGENIO: Well, I think it's in my opinion I think it's subject to zoning. Having said that, I am a big fan of the firemen in a global sense just because of what they do and the commitment they have and the training they have and et cetera for a whole litany of reasons but go ahead.

MR. EDSALL: I'm just going to comment in one respect the Quassaick Bridge Fire District has made our job easier because they're not proposing to build a new firehouse in a different location, number one, what they're basically doing they have acquired more land to meet the standards and requirements so it's effectively the same location. That's number one, so that makes it easier for us. Number two, if you look at it from a zoning standpoint of setbacks the existing building goes over the property line so the bottom line is if anything--

MR. ARGENIO: They don't meet the setback.

MR. EDSALL: --they're clearly improving all the conditions. So, in other words, when we look at this for both zoning and for impacts there are a multitude of things that are improving.

MR. CORDISCO: In addition to the fact that they're removing the existing building so it's not as if they're creating a new building.

MR. ARGENIO: Neil or Howard, do you have questions about this?

MR. SCHLESINGER: No, I mean, it's somewhat of a residential business area.

MR. ARGENIO: I think we should have the public hearing.

MR. SCHLESINGER: It's going to have an impact on the neighborhood, yeah, there's an existing firehouse so it's not like you're creating a new one so I think it will work its way out.

MR. ARGENIO: It's not to give them a bad time, it's to give, it's to get input, in my opinion, it's to get input from the public so we can make a better decision. It doesn't mean so we can get input from the public to say no, you can't do your firehouse, no, you can't do 15,000 feet, it's to get input from them to say look, drainage to this location might be a problem, send it to that location. That's the only reason that I make that statement to be honest with you. Dan, do you have thoughts on this?

MR. GALLAGHER: How big was the old firehouse?

MR. PASSAROTTI: It's 13,000.

MR. VAN LEEUWEN: I think it's a big improvement to the property, the whole area.

MR. PASSAROTTI: Yeah, the old building is roughly about 14,000 square feet, this footprint here is almost the same or this footprint is only 13,8, the only-

MR. ARGENIO: Why are you doing that? What's the logic there, if you have a 14, 14 1/2 thousand square foot firehouse, you're building a 15,000 square foot firehouse, why wouldn't you build something a little bit bigger? Certainly over the years you must be growing out of what you have?

MR. PASSAROTTI: Correct, there's a provision actually for a setback on the side, we'll be building off to the side, we'll build an addition.

MR. J. BABCOCK: The answer to your question is the fact that when we put our wish list together it came up to 20,000 square feet which today was approximately \$300 a square foot so we're talking over six million dollars and we felt as a Board of Fire Commissioners that we couldn't go to the public with all these frills so we sat down with the company and cut it back to 15,000 square feet so we can bring it under \$5,000,000.

MR. ARGENIO: And you've made a provision to add more at a later date if you can get the finding?

MR. J. BABCOCK: By building a new building if you see our building, if you want to come down we'll be glad to show you, it was addition after addition after addition so it's a hodgepodge of various levels which when we sat with the architects and gave them our needs they were able to put our needs in 15,000 square feet.

MR. ARGENIO: More efficient use of space.

MR. J. BABCOCK: Correct.

MR. PASSAROTTI: Correct and it also raises it to the same level, some of the other improvements we're also moving the curb cut, currently the curb cut for the existing parking lot is roughly from the corner, the entire face so we're isolating it to two actual cuts, one for the apparatus moving it further away from the intersection.

MR. ARGENIO: Mr. Babcock, do you have an architect engaged that's a professional in designing firehouses?

MR. J. BABCOCK: Yes, we interviewed seven firms and Collins and Scoville was the firm that we accepted.

MR. ARGENIO: Firemen are tough, firemen review things in my experience. Mr. Edsall?

MR. EDSALL: I only have 32 years in the service.

MR. J. BABCOCK: They had a consultant on staff that does nothing but build firehouses, they sat with us the whole past year helping us design our firehouse.

MR. ARGENIO: Does anybody have anything else? We'll see this again, guys. Mark, what else do we need to do?

MR. EDSALL: What I'm suggesting is that you ask the applicant to move forward with additional plans that would deal with the lighting, the landscaping, drainage, grading, so that we have a more complete site plan, number one, number two--

MR. ARGENIO: You've heard the things tonight that we typically talk about in review and you should have this matter. Go ahead.

MR. EDSALL: Number two, I think that you should authorize Dom and I to work with them to prepare a

narrative that does our best to address the eight steps or eight tests in this Court of Appeals rigamarole so that--

MR. ARGENIO: That's not a problem. Anybody take exception to that?

MR. EDSALL: So that when you have your public hearing all the information is available.

MR. SCHLESINGER: No problem.

MR. BROWN: No problem.

MR. VAN LEEUWEN: I'm not crazy about a public hearing but go ahead.

MR. ARGENIO: What about that public hearing, Mr. Cordisco, do we need to schedule that or what do we need to do to that end or am I early with that?

MR. CORDISCO: I think it's a bit premature as Mr. Edsall said there's some essential elements such as lighting, landscaping.

MR. ARGENIO: You're right, I shouldn't have asked the question, you're right and Henry as I said I'm a fan of the firemen, I'm a fan of this improvement, I think it's a great idea. My intent is none other than to gather information from the public so we make sure that this fits as best it can in the neighborhood.

MR. J. BABCOCK: Just for a point of interest that we had an open house for our public, we also held a public hearing on the advice of our attorney and we had very little if any comments about the site or the building or anything else, only thing they were interested in how much was it going to cost but other than that, we had no negative comments.

MR. ARGENIO: As I said, Mr. Babcock, I don't expect that either but as I said, a lot of times at the public hearings we can get feedback where maybe the drainage swale should be here as opposed to there, it's information that we don't have the benefit of. But if I live behind that firehouse I would have the benefit of that and I'd want to share it with the planning board so they can say look, don't put the drainage swale here, move it to the south 35 feet, doesn't cost you any money but it's a better job in the end for the neighborhood, it's a better fit and I truly mean it, I'm a fan of the firemen, hopefully I can go for a ride in the fire truck.

MR. SCHEIBLE: If somebody would donate all the blacktop you could make it bigger.

MR. J. BABCOCK: Is that the firm on 32?

MR. EDSALL: I just want to remind them that the one requirement that they should probably deal with because it's going to be quite a hurdle is the new storm water regulations because there's over an acre of disturbance you're going to have to deal with it and that's probably the biggest pain in the rear end of any site development now.

MR. ARGENIO: It's the law.

MR. EDSALL: We didn't write it, it's DEC regulations, just try to get that going as soon as you can.

MR. ARGENIO: Thank you for coming in tonight.

MR. J. BABCOCK: Thank you for hearing us.

MR. ARGENIO: We certainly will work with you in any way, shape or form that we can.

CORRESPONDENCE

RECOMMENDATIONS_TO_TOWN_BOARD_-_KNOX_VILLAGE_ANNEXATION

PROPERTY_ZONING

MR. ARGENIO: Mark, let's talk about Knox Village or Mr. Blythe, somebody talk about Knox Village. I know what it's all about, somebody please share with the members what it's all about or Dominic, whoever feels most informed on it.

MR. CORDISCO: The Town Board has asked us for our report regarding their proposed zoning of the Knox Village property. The Knox Village property was annexed I believe from the Town of Cornwall and it comes in without zoning, so zoning needs to be applied to it and there's a proposal from the Town Board they've asked for our recommendation.

MR. VAN LEEUWEN: What's the zoning now?

MR. CORDISCO: It's not zoned anything now.

MR. ARGENIO: It's an annexation.

MR. CORDISCO: Because it came in from the Town of Cornwall so it comes in blank.

MR. VAN LEEUWEN: Town of Cornwall is giving up a piece of property to New Windsor.

MR. BROWN: What was their zoning in Cornwall?

MR. CORDISCO: That's a good question, I'm not sure.

MR. EDSALL: I believe what's proposed is to match the adjacent parcel which would avoid spot zoning and at least makes the land consistent with what's around it.

MR. BABCOCK: Keep in mind half of this property was in

Cornwall, half was in New Windsor so now it's all in New Windsor and only half has zoning, they want to make the whole thing the same zoning.

MR. BROWN: What was the half of zoning?

MR. BABCOCK: R-4.

MR. SCHLESINGER: That's what it was when it was in Cornwall?

MR. BABCOCK: No, New Windsor.

MR. SCHLESINGER: Was it zoned in Cornwall?

MR. BABCOCK: I'm sure it was, I don't know.

MR. CORDISCO: I don't recall off the top of my head what it was in Cornwall but the point is is that right now the map needs to be pulled over top of that part.

MR. VAN LEEUWEN: We have to put the zoning designation on the property.

MR. ARGENIO: We have to recommend to the Town Board.

MR. CORDISCO: The way we have dealt with this in the past is the board if you come up with a recommendation either yes or no or something else you have directed me to write a report to the board and to the Town Board, I'll be happy to do that.

MR. ARGENIO: And the recommendation would be that it is an extension of the zone that's already there in the Town of Windsor.

MR. CORDISCO: And the case is that it's appropriate.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board recommend to the Town Board that the annexation of the Knox Village Associates relative to the Knox Village Associates we extend the zones that already exist in the Town of New Windsor to that new parcel. Mark, did I cover that?

MR. EDSALL: Yes.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

DISCUSSION

NEW_WINDSOR_BUSINESS_PARK

MR. EDSALL: New York Life addition, the board very graciously allowed them to proceed with their Phase 2 that had previously been reviewed. Upon review of the completed work by our office in cooperation with the building department, we find some things inconsistent with what you approved. So they have been kind enough to write me a letter telling me how they intend to change it, they're telling us that they have eliminated the concrete sidewalk on two sides of the addition.

MR. ARGENIO: Mike, how does that affect the site? There's an existing building there in your opinion based on history does that represent a problem for pedestrian traffic in that plaza?

MR. BABCOCK: No.

MR. ARGENIO: It's not a problem?

MR. BABCOCK: I think what's happened here is Mark was on vacation, I went there and I have made some decisions based on what I felt and I have not talked to Mark in reference to those decisions.

MR. EDSALL: Mike Kelly from our office went down there and found a bunch of things out of place, sidewalk is not a necessary feature. They're telling us that they're going to eliminate three pole lights on the west and north side of the building and replace them with wall packs. I object to just a generic change, if they want to change it, let us have a lighting plan to show us it provides the same amount of lighting as what was approved.

MR. ARGENIO: Do we still have a bond?

MR. BABCOCK: Yes.

MR. EDSALL: We have a completion bond.

MR. ARGENIO: So you want to have the opportunity to review the isolux curves?

MR. EDSALL: Yeah, we review them on the new plan, if they want to change it, let them submit it.

MR. ARGENIO: Anybody disagree? Go ahead. If it's the same lighting you're free to go.

MR. EDSALL: The landscaping plantings that were on the northwest side, the left side of the building on the property line they want to remove the plantings and replace them with decorative boulders.

MR. BABCOCK: We told them they have to put those in.

MR. ARGENIO: Landscaping, yeah, they've got to put the landscaping. Don't you agree?

MR. EDSALL: Are we free to adjust the landscaping to make it consistent?

MR. ARGENIO: Yes but I don't want it to show 36 plants and we end up with 12 or 33, I want 35, 36 plants, Mark.

MR. EDSALL: There's some evergreens, show where they're using ornamental trees.

MR. ARGENIO: Work it out.

MR. EDSALL: Last I don't understand this comment, Mike, maybe you can help me out, they say there's a new dimension from I think front yard setback from Temple Hill back to the building but the numbers don't match what's on the bulk table.

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MR. BABCOCK: That's correct, they have an as-built survey that differs from the site plan, they meet zoning and it's actually better.

MR. EDSALL: The other issue that we'll deal with is that they did kind of put some things out too close to the state right-of-way that the DOT has told them to move so we'll deal with that. We've got your direction. Thank you.

QUICK_CHEK

MR. SCHLESINGER: I've got a question, Mark, can you help me understand Quick Chek? They have a water retention pond out front in regards to the storm water maintenance, they also have an underground storm water.

MR. EDSALL: They have both, Neil. They probably could not meet the storm water regulations with the size basin they could fit so they probably had to use a combination of treatments.

MR. BABCOCK: They get all the water off the mountain, all of it.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer